

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
January 26, 2016

3:00 P.M. WORK SESSION – PUBLIC SAFETY TRAINING ROOM

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Councilmembers Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Greg Stephens, City Attorney; Richard Manning, Administrative Services Director; Bill Bell, Development Services Director; Karl Hirst, Recreation Director; Chris Tschirki, Public Works Director; Scott Gurney, Fire Department Director; Gary Giles, Police Department Director; Charlene Crozier, Library Director; Jason Bench, Planning Division Manager; Paul Goodrich, Transportation Engineer; Sam Kelly, Engineer; Neal Winterton, Water Division Manager; Reed Price, Maintenance Division Manager; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder

DISCUSSION – Storm Water Utility Master Plan

Mr. Tschirki said they had been working on the Storm Water Master Plan for the last year and a half and had received public feedback during the last year. He said the information they were presenting was available at utilities.orem.org.

Mr. Price gave a preview of the presentation that would be given in the regular Council meeting that evening. He referenced a book by Charles Fishman that said water systems around the country suffered because of their invisibility, and nothing was done to them until something went wrong. He said that having a source of water in homes was just an expectation. He said the storm water system was also hidden, but integral to the system. In 1996, Orem Storm Water Utility was created, and had four basic goals:

- improve water quality
- protect health and safety
- enhance availability
- negate flooding potential

Mr. Price said Orem maintained approximately 87 miles of pipe ranging from six inches to fifty-four in diameter. Businesses were required to keep as much storm water on their land as possible.

He said the retention basins were started about twenty years ago. He described how the pipes and sumps worked.

Mr. Price said the last master plan had been created in 1998, so they had worked with a consultant, Bowen and Collins, and had taken an inventory of the entire system. They had also provided a list of deficiencies for the City to address, including removing water from wellhead protection zones, and a rate study to show how improvements could be funded. They had created a new hydrologic model based on a ten-year storm and they recommended improvements.

Mr. Price said the City and the Public Works Advisory Commission (PWAC) had included the public had through public open houses, mailers to residents, and the website.

Mr. Price described the wells and the wellhead protection areas as well as state codes regarding the protection of the water system. He said the consultants recommended a list of projects to be done over time, and prioritized them into a ten-year CIP plan. He said the Council could make adjustments to the plan.

Mr. Price said the plan identified about \$61 million in projects and they had been directed to look at a pay-as-you-go plan. They still recognized that bonding might be appropriate in some cases.

Mr. Price described the use of Equivalent Service Units (ESU) to fund the utilities for both residences and businesses. One ESU was equivalent to 2,700 sq. ft. of impervious surface, such as driveways and roofs, where water cannot get down into the ground. He said most homes had at least 1 ESU. Businesses could receive credits if they decreased their service. A house with 1 ESU would be charged \$5.25 a month. He said this was the standard way to fund storm water utilities across the country and in surrounding communities.

Mr. Price said the 1998 plan suggested raising the per ESU charge from \$3 to \$6 and then slowly increasing it over time. Instead, the rate had been increased only to \$4 and had stayed there until 2005 when it was increased to \$5.25. The 1998 plan had not been followed and now the debt continued to grow. He said improvements had also not been made according to the 1998 recommendations.

Mr. Price said in the study, it was requested that five-year, seven-year, and ten-year plans be proposed. They would get the City to a sustainable rate. If the five-year plan were followed, the suggestion would be to move to \$6.25 and increase from there. If a seven-year plan was selected, the rates would go up slower. He said that if the rate was adjusted up to \$6, it would still be among the lowest in the county.

Mr. Price said the estimated life of the infrastructure was fifty to seventy years, and detention basins needed ongoing maintenance. Mr. Davidson said he was concerned about funding a fifty-year system in a ten-year period.

Mr. Lentz asked if, whichever plan they used, the increase would continue to rise and not return to the current rate. Mr. Price said that was correct.

Mr. Price said it was the hope that the Council would support the master plan and not consider the rates that night but consider them at a future meeting.

Mr. Sumner asked if, in going forward, more was collected than was needed, could that money be spent for anything else. Mr. Price said it could only be used for storm water needs. If the City Council decided to jump up to \$8.50 right now, they would move up their project list as well and things could be done sooner.

Mr. Davidson said the City Council could choose to complete the projects sooner rather than later, and spread the costs over time. These were exclusively pay-as-you-go options, but there were still other options.

Mr. Macdonald asked if the City Council reviewed the previous master plan whenever a rate increase was considered. He felt they were wasting time and money when master plans were ignored.

Mr. Tschirki said they would give updates every year in budget discussions.

Mr. Macdonald said he did not think most citizens could handle an increase of \$4 all at once.

Mayor Brunst said if the seven-year plan were chosen, each of those seven years would see an increase. Mr. Tschirki said it would be reviewed every year in budget discussions.

Mr. Price said the pipes were not at a bursting point, but he agreed with Mr. Davidson that every heavy rain raised concerns and issues.

Mr. Davidson said the EPA continued to change its requirements, which would change what projects needed to be done. Mr. Seastrand agreed, but said we were not feeling that sense of urgency currently.

Mr. Davidson referred to the current problem in Flint, Michigan, where lead had leached into the pipes and contaminated the entire water system.

Mr. Lentz said there was a flooding problem near his home when it rained and it was dangerous for cars and children. He said it was not good to say things were working okay simply because they could not see the problems. This extended beyond just keeping water out of the gutters; it was a matter of public health and safety.

Mr. Tschirki said the upper bench was an alluvial fan and historically Orem was known for utilizing sumps. He said if the sumps in those areas were working properly, there would not be significant problems.

Mr. Sumner asked if many businesses took advantage of the credit system for ESUs. Mr. Price said they made them aware of the opportunity and then the business could apply.

UPDATE – Dog Park Locations

Mr. Hirst said they had reached out to neighbors by Bonneville Park and Community Park, contacting people at their doors, through a flier, and an open house. He said nearly every contact he received was someone in opposition to placing a dog park at either location. He received about a dozen phone calls, also in opposition in to the locations, as well as an online petition in

opposition. The comments were about the loss of the use of the ground, potential for barking and noise, potential for smell, unsightliness, and increased traffic.

Bruce Christensen, resident, said his property backed Community Park, and he had a garden and walkway by his yard. His concerns included danger to children and others walking and playing in the park. He said there were two pavilions that were heavily used next to the proposed area, and a dog park would not allow space to do what people hoped to do.

Gaylene Rosenthal, resident, said she lived on the south border of Community Park and expressed concern about:

- The park already being shared heavily with Mountain View High School (MVHS).
- A road running through the park.
- Children from Orem Elementary and MVHS walking through the park.
- This was not a good location for a dog park.

Brelynn Henley, resident, said the dog park would back her home. She suggested it be placed in a secluded location away from schools, barbecue areas, residences, etc. where they wouldn't brooder chickens and pets in the nearby homes.

Subsequent Council and staff discussion included:

- The Skate Park was an option but would require changes to the parking, detention pond, roadway, bike lane, and the fence.
- It sounded like the idea for a dog park had come from some citizens and had snowballed, but the resident said "not in my backyard." Perhaps more people did *not* want a dog park than wanted one.
- The Skate Park was fronted on three sides by I-15, 400 North, and 1200 West. It would have natural buffers and impact neighbors less.
- The fence near the fire station could be moved, but there were other things that would have to be done to accommodate training held there.
- Bonneville Park had a retention pond that only had water a few times a year.
- Comments were made about the placement of the fence and the walking path, about restrooms, benches, shade, trees and other design aspects.
- A survey included questions about a dog park, and 35 percent of respondents said they had a dog, and 65 percent of them said they would use a park.
- The idea for the dog park was not related to the rise in apartments but in response to the survey and recommendations for use of CARE monies.
- Provo had a dog park, and many Orem residents went there.
- While there were some issues still to resolve, the estimated cost would be approximately \$110,000, with a parking lot estimate of \$50,000 to \$75,000 to improve. There was currently \$75,000 allocated for the park.
- The general consensus was to move forward with the Skate Park location.

DISCUSSION – CARE Policies

Mr. Downs said CARE Advisory Committee was considering creating a mid-major size grant, of \$5,000 to \$9,999.

Mr. Stephens had said any applicants would have to be a 501c3, and they would have to manage and present in Orem. He said applicants would apply for only one size grant, but the Council could award them a smaller grant if they wanted. He said the new grants would not violate any State code. He said considerations included how many people attended events and if Orem residents had the opportunity to participate.

DISCUSSION – Spring Clean-Up

Mr. Bybee proposed changing the neighborhood clean-ups from one three-to-four hour periods on specific Saturday mornings, one neighborhood at a time, to a week-long period for two-to-four neighborhoods at a time.

The subsequent Council and staff discussion included:

- Doing it over the longer time period might result in a loss of focus and community feeling that came with a concentrated effort and the barbecue.
- It might be a problem for people travel farther for their dumpster.
- Staff had looked at programs in other cities while developing this proposal.
- In addition to receiving the free dump pass, residents could bring junk to a set of dumpsters at a specific park in addition to receiving the free dump pass.
- The neighborhoods would be grouped according to the parks they were near and they hoped to include a handful of dumpsters for solid waste, recycling, and green waste.
- The City would still provide a pavilion and a breakfast for the community aspect of the program.
- The Neighborhoods in Action (NIA) program should be strengthened with new neighborhood chairs.
- Staff hoped that, by separating the Spring clean-up from the neighborhood chair responsibilities, it would make becoming a neighborhood chair more attractive.
- The NIA program was supposed to be community driven, with the City only facilitating. Too often it had turned into LDS ward-only events, including policing the dumpster reserved by the city and refusing to allow people who were part of the NIA neighborhood—but not that ward—to use the dumpster.
- Even with the above-mentioned problem, a lot of work got done, and many children were involved.
- There were often conflicts with LDS traditional ward-sponsored clean-up events that included ward picnics that got confused with the City events.
- There was also the problem that most neighborhoods wanted their clean-ups first, earlier in the spring.
- It sounded like giving them funding might help resolve some issues. Outreach to resolve the problems might help.
- The suggestion was made to try the new process on a trial basis and include information about it in the Spring newsletter. All the neighborhoods would be finished by Memorial Day.
- Specific neighborhoods would be notified by direct mail to remind them of when they could use their free dump pass at the transfer station.
- The spring clean-up perspective helped a Neighborhood Preservation (NPU) perspective by removing trash. Allowing people to take their waste to the landfill permitted the NPU officers to focus on other things.

UPDATE – Provo/Orem Transportation Improvement Project

Mr. Davidson noted that what had been called the “Provo/Orem BRT” had always involved UDOT, so its name had changed to the Provo/Orem Transportation Improvement Project (PROTIP). The project involved Provo, Orem, Utah Transit Authority (UTA), Mountainland Association of Governments (MAG), Utah County, and UDOT. He said that, in August of 2008, the City Council had expressed support of the project by resolution, but required that certain criteria be met by UTA. Those concerns included road width, stations, trains, travel lanes, landscaping, intersections, roundabouts, and other items.

Mr. Davidson said they had received environmental clearance to move forward and had received federal and Utah County funding. UTA wanted to move forward, but the City still had concerns that needed to be resolved and determined not to bring the discussion forward until there was resolution for the areas of concern. Some progress had been made in the past six-nine months. Provo and Orem decided to work together, crafting an interlocal agreement involving all the previously-mentioned agencies where all the agencies would work together to resolve the conflicts and move forward. The goal would then be to enter into a lease agreement with UTA.

Mr. Davidson said the right-of-way was along Orem streets, so Orem had to give permission, through the lease agreement. Orem would sign the lease agreement, when the concerns were addressed. He said UTA was anxious to sign the lease because they already had contractors in place and costs were mounting. The parties involved needed to find ways to keep the project within the \$150 million proposed cost.

Mr. Davidson said that the City wanted to have discussions with the Council in the next couple of months regarding the system and the efforts to resolve the concerns identified in 2008. He said the three things still to be resolved were:

- landscaping
- the roundabout proposed at 400 West
- stations locations

Most of the other concerns were resolved or were being resolved.

When Mr. Macdonald asked how much say Orem had, Mr. Davidson it would use an Orem roadway, so the City controlled the lease agreement and therefore had a lot of influence.

Mayor Brunst said they requested a 10 percent contingency plan to put money into an escrow account for any problems at the end of the process. If everything went well, they could start this summer on a two-year project.

Mr. Macdonald asked if the City would get the over/under on 1300 South and State Street before the plan went forward. Mr. Goodrich said that would be kept separate from this project. They were not supposed to have predetermined projects before environmental studies were done. He said the improvements were not just for bus, but for multiple kinds of transportation.

Mayor Brunst said the project was not like TRAX and did not require road excavation and electrical. Mr. Goodrich noted that the 2008 plans from the Council already allowed for the road to be wide enough if it was needed for TRAX in the future.

Mr. Davidson said as a staff they were moving forward with the idea that the City Council would be interested in seeing the project move forward with the previously set qualifications. They were not confident they could reach every one, but they would do their very best. He said there were about eighty options to keep the project on budget. The new committee was meeting every week to meet approval. The Council would vote on the interlocal agreement.

Mayor Brunst said other communities were watching Orem and Provo on the project. Mr. Goodrich said if it was completed, they would likely win a national award.

Mr. Davidson said the budget was a significant concern, and that would be something they would tackle at their next meeting. With new Council members, there would be an education component.

Mr. Lentz asked about who would be on the hook for any difference in cost. Mayor Brunst said something would have to be eliminated. There were some things put in the agreement they were not willing to give up, but there was some flexibility with others.

Mr. Davidson said if all parties agreed to exceed the budget and had a funding source, it could be done.

5:00 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM

CONDUCTING

Mayor Richard F. Brunst

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APPOINTED STAFF

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Preview Upcoming Agenda Items

Staff presented a preview of upcoming agenda items.

Agenda Review

The City Council and staff reviewed the items on the agenda.

City Council New Business

There was no City Council new business.

Chief Giles reported on the funeral for Officer Doug Barney at the Orem City Cemetery and expressed appreciation for everyone who helped Dan Barrett to prepare the cemetery. Chief Giles said the volunteers, such as the veterans, contributed an unbelievable amount to these kinds of events. He said he had heard only a few minor complaints about traffic disruption during the funeral.

Mr. Davidson said the cemetery employees had really done a great job to make the funeral the success that it was. The lawn around the gravesite had also been cleared of snow. Mr. Price added that street crews cleared the roads of snow to allow for parking and easier transit.

Mayor Brunst said he had heard one out-of-state officer comment that he wished they had such community support.

Chief Giles also reported on a robbery that happened at Shopko right before the event. Orem's officers were in place when the perpetrator took off heading toward 1600 north and was caught immediately after crashing into a light pole.

The Council adjourned 5:48 p.m. to the City Council Chambers for the regular meeting.

6:00 P.M. REGULAR SESSION – COUNCIL CHAMBERS

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

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INVOCATION / INSPIRATIONAL THOUGHT PLEDGE OF ALLEGIANCE

Andrea Sainsbury
Parker Johnson

The Council and attendees observed a moment of silence for fallen police officer Doug Barney.

APPROVAL OF MINUTES

Mr. Seastrand **moved** to approve the November 18, 2015, Joint City Council/Alpine School District meeting minutes. Mrs. Lauret **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, Brent Sumner. The motion **passed unanimously**.

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

Upcoming Events

The Mayor referred the Council to the upcoming events listed in the agenda packet.

Appointments to Boards and Commissions

There were no appointments to boards and commissions.

Recognition of New Neighborhoods in Action Officers

There were no new neighborhood officers recognized.

PROCLAMATION – National Radon Action Month

Kena Mathews, Executive Director of Habitat for Humanity and Orem Resident, along with Marla Brandam, an Environmental Health Educator from the Utah County Health Department, were present for a proclamation regarding Radon. Mayor Brunst read the proclamation.

Mr. Macdonald **moved** to approve the above Proclamation declaring February 2016 as Radon Action Month in the City of Orem. Mr. Sumner **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, Brent Sumner. The motion **passed unanimously**.

Ms. Mathews distributed radon testing kits to the members of City Council.

REPORT – Annual Justice Court Report – Judge Reed Parkin

Mayor Brunst introduced Judge Reed Parkin. Judge Parkin said he had worked with Officer Doug Barney closely, and he appreciated the tribute to him.

Judge Parkin excused his Court Administrator, Jody Thenot, and thanked her and his clerks and staff for their professionalism. He then reviewed some of the history of courts and expressed his appreciation for constitutional rights and the opportunity he had to safeguard them. He reported the following:

- Lower Case Filings
The amount of case filings had seen a decreasing trend in courts of record, in courts of limited jurisdiction, in both criminal and civil filing. In Utah, both district and justice courts have seen the same trend. The decreasing trend had also been seen in the City of Orem.
- Justice Reinvestment Initiative (JRI)

Created by the Commission on Criminal and Juvenile Justice, the report listed recommendations to make efforts to reduce the rate of recidivism among offenders released from custody. Legislation was subsequently created and aimed at providing offenders with proper treatment from substance abuse to mental health treatment. Legislation also turned most drug possession charges into misdemeanors instead of felonies, and strengthening parole supervision. The legislation also reduced the classification of most traffic offences from misdemeanors to infractions. The JRI led to the creation of guidelines for judges to use when sentencing defendants convicted of criminal acts. The recommendations included more efficient treatment for those convicted of drug abuse using evidence-based methods. The example given was putting first time drug users into a safe house rather than exposing them to addiction treatment, showing that addiction treatment for those who were not truly addicted was more damaging than helpful. Another example was of putting long time drug addicts in addiction treatment rather than prison, as treatment was what was needed, not sanctions.

- 6th Amendment (right to legal counsel)

A study was done by the Judicial Council to analyze the practices in Utah in both District and Justice Courts and how that constitutional right was implemented in the Courts. The study collaborated with a 6th Amendment Center located in Boston, MA. Their findings show that the Justice Court of Orem had been respecting the 6th Amendment. The study also found systematic deficiencies and made recommendations for changes. Judge Parkin expected legislation to be sponsored in this year's session to address those deficiencies. The City Attorney's office had been informed of the findings of the reports generated by the study.

Judge Parkin said the City Court had high efficiency. He commented on a report he presented to the State's Court Administrator that highlighted efficiencies reports currently performed by the State to measure courts in Utah, as well as efforts by the Court Administrator to maintain high efficiency and approximately twelve other metrics that could improve court efficiency if implemented. One recommendation given was that of a technology based graphic that would allow for daily measurements of Court efficiencies. That technology based graphic had been accepted by the Court Administrator and would soon be implemented in State courts.

Judge Parkin then spoke about performance evaluations which judges in Utah must undergo, and which were performed by the Judicial Performance Evaluation Commission. Judge Parkin reported that he ranked higher in all evaluated areas than his peers in the same time span, and that 99 percent of the comments made by responders used positive words to describe his court. He concluded his remarks by expressing gratitude to all those he worked with on a daily basis for their professionalism and resiliency in all of their court dealings. He then opened the time to the Council for any questions.

Mr. Seastrand said he appreciated the volume of service the judge did for the City, and asked whether Judge Parkin felt he was getting the resources he needed from the City. Judge Parkin replied that his tools were adequate; they had prosecutors in the courts daily who respected the decisions of the Court. The City had been responsive to the requests from the Court Administration. He saw no great outliers or concerns.

Mr. Seastrand asked if the facilities were safe and working well for their intended use. Judge Parkin said he had not been alarmed or concerned. He had seen many other court facilities and he had confidence in the security of the City's Courthouse. The Sheriff's Department was in charge of building security, and the Orem Police Department employed part-time officers who worked as bailiffs.

Mayor Brunst stated that Judge Parkin always went above and beyond in providing a high level of service in the Orem City Court.

RECOGNITION – State Champions – Timpanogos High School Boys and Girls Cross Country

Mayor Brunst recognized the Timpanogos High School Boys and Girls Cross Country teams who earned the distinction of being State Champions. Mr. Hirst stated they were proud of their young athletes in the City, and he presented the Cross Country teams as State Champions. It was noted that Coach Jody Benson was nominated for the Coach of the Year award.

Mr. Benson said the boys went to the National Championship in Portland, OR and took 5th in the Nation. This was the first Girls' State Championship they had ever won. Will Handly was recruited by BYU, and Juliette and Navareta Lamas would compete for Southern Utah University. Others had also been recruited by universities, for which they were very excited.

Mayor Brunst invited the teams to come and shake hands with members of the Council. Mr. Benson thanked his assistant coaches for their service.

PRESENTATION – Walter C. Orem Award – Sarah Sparks

Mayor Brunst recognized the distinguished community service of Ms. Sarah Sparks, and presented her with the Walter C. Orem Award. Ms. Sparks had been a volunteer at the Orem Community Hospital for 21 years, where she had dedicated over 20,000 hours of her life. Mayor Brunst stated that 23 years ago Ms. Sparks and her family retired to Orem after a career in the Air Force that carried them all over the United States and abroad. Ms. Sparks had made friends wherever she went, and was often seen comforting scared children, giving a hug to someone in need, passing out her legendary peanut brittle to fellow volunteers and coworkers, and helping families feel more comfortable at the hospital.

Ms. Sparks was an advocate for volunteerism in the community, and showed no signs of slowing down. Her supervisors praised her remarkable work ethic, and her diligence in getting the training necessary to perform a wide array of technical work in the hospital's lab. Ms. Sparks and her late husband, Neal, had four children, twelve grandchildren and seventeen great-grandchildren. Mayor Brunst stated that it was an honor to present her with the Walter C. Orem Award for outstanding community service, and to celebrate her example. A tribute video was then presented.

CITY MANAGER'S APPOINTMENTS

Appointments to Boards and Commissions

Mr. Macdonald commented that it was not typical in businesses or in nonprofit organizations to have a prior member of a board "hang around" as an alternate. He expressed concerns with the

appointments as they had been presented, and whether or not Mayor Brunst and Mr. Spencer would overshadow the new appointees, Mr. Davidson and Mr. Lentz.

Mr. Davidson explained that the purpose of the alternate appointments was to keep the new appointees abreast of ongoing issues, considering that Mayor Brunst and Mr. Spencer had previously served in those capacities.

Mayor Brunst said that, on certain boards, outgoing members continued to participate for the next term in order to help with the transition. He recommended moving forward with the appointments as they had been presented.

Mr. Macdonald concluded that while he did not have any problems with the appointments of Mr. Davidson and Mr. Lentz, he still had concerns with naming Mayor Brunst and Mr. Spencer as alternates.

Mr. Seastrand **moved** to appoint Jamie Davidson to the UTOPIA Board and Sam Lentz to the UIA Board, with Richard F. Brunst as an alternate to the UTOPIA Board and David Spencer as an alternate to the UIA Board. Mrs. Lauret **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Mark Seastrand, David Spencer, Brent Sumner. Those voting nay: Tom Macdonald. The motion **passed, 6-to-1**.

PERSONAL APPEARANCES

Time was allotted for the public to express their ideas, concerns, and comments on items not on the agenda. Those wishing to speak should have signed in prior to the meeting, and comments were limited to three minutes or less.

Jim Fawcett, resident, expressed appreciation for the convenience of live-streaming City Council meetings. Live streaming meetings allowed people to rewatch all or certain portions of a specific meeting at any time. He noticed there were over 300 views on YouTube of the last meeting, which was significant considering that it was the first live streamed meeting. Mr. Fawcett commented on the quality of the video and presentations included therein.

Jennifer Mota stated that she was a resident of Eagle Mountain and a student at UVU. Ms. Mota and her children were survivors of domestic violence of four and a half years. She recounted some of her experiences with domestic violence, and stated that she was grateful to be alive. Ms. Mota said the community needed the police to do their jobs in order to keep families, including hers, safe from violence. She asserted that she had faced problems with the Orem Police Department assisting her ex-husband in an illegal search and seizure in her Eagle Mountain home. She explained that her family had sought help from the Orem Police Department, but had instead been dismissed or met with resistance. Lastly, she concluded that she would be submitting a formal complaint to the Chief of Police.

Bridger Talbot, resident, said he had served on the Orem Youth Council in high school, and resided near the intersection of 800 South 800 West. He expressed his opposition to a proposed housing development near his neighborhood for the following reasons:

- Size and proximity to other buildings

- Inadequate parking
- Traffic
- It was contrary to the City's plan for an urban walking environment near State Street and the other major areas.

Christopher Lair, resident, said his neighborhood used to have few rentals. However, following rezones between 2002 and 2004, there had been an increase in crime, trash, and harassment. People began to move out and rent their homes. In 2010, UDOT purchased his house and his family moved to another area in Orem. Now there was a rezone proposed near his new home. He asked the Council to consider whether or not the City needed another high density housing development near neighborhoods of single-family homes. Mr. Lair concluding by making reference to the Good Neighborhood Practice as published on www.orem.org.

CONSENT ITEMS

There were no Consent Items.

SCHEDULED ITEMS

6:00 P.M. PUBLIC HEARING – Rezone – R8 to PRD – Lott's Lots
ORDINANCE – Amending Section 22-5-3(A) and the Zoning Map of the City of Orem by
zoning approximately 1.70 acres of property located generally at 1860 North 860 West
from the R8-ASH zone to the PRD zone

Mr. Bench presented the applicant's request that the City Council amend Section 22-5-3(A) and the zoning map of the City of Orem by zoning approximately 1.70 acres of property located generally at 1860 North 860 West from the R8-ASH (Affordable Senior Housing overlay) zone to the PRD zone.

The applicant proposed to construct a new planned residential development (PRD) with four twin homes and a single unit for a total of nine units. The subject property was currently part of a family farm and was located east of Aspen Elementary School. An additional application had been submitted by the applicant to create a single-family subdivision adjacent to the proposed rezone. The density for the project was 5.29 units per acre which was under the seven units per acre allowed in the PRD zone.

Mr. Bench presented the concept plan, which showed access to the PRD from 860 West, as well as a street connection of 850 West to 1860 North. The street serving the units in the PRD would be private, and sidewalks would be located on both sides of the proposed private street. Building elevations and floor plans being proposed for the rezone were presented.

A neighborhood meeting regarding the proposed rezone was held on August 31, 2015, at the City Center with sixteen people in attendance. Items of discussion at the meeting included building styles, unit size, and senior accessibility. Concerns regarding excessive traffic speeds on 800 West and how the project would affect those speeds were also discussed. No issues from residents were expressed during the Planning Commission public hearing on January 6, 2016.

On January 12, 2016, the City Council approved several amendments to the PRD ordinance including requiring that a PRD concept plan be binding, requiring all streets in a PRD to be public and have buffered sidewalks, and modifications to the landscaping requirements. However, the Council's motion to approve these amendments also included a provision to allow the applicant's PRD request to be developed under the PRD standards that existed at the time of the applicant's application.

The Planning Commission recommended the City Council amend Section 22-5-3(A), and the zoning map of the City of Orem by zoning approximately 1.70 acres of property located generally at 1860 North 860 West from the R8-ASH (Affordable Senior Housing overlay) zone to the PRD zone. City staff supported the Planning Commission recommendation.

Mr. Paul Washburn, representing Clyde Companies, explained that the property had been under contract for a while. Initially, they had planned on developing a single-family neighborhood; however, the width of the property made it extremely difficult to put in a full width street. Therefore, a PRD seemed a good option for providing high quality housing in an area that did not have very many PRDs or senior housing opportunities. Mr. Washburn said they held a neighborhood meeting which, from his vantage point, went very well. Mayor Brunst asked if they would be targeting the senior market on sales of these units. Mr. Washburn responded that the project would not be age restricted, but they would be marketed in a way that would be more desirable for seniors.

Mr. Macdonald asked if the majority of basements would be finished or unfinished. Mr. Washburn said that would depend upon the preferences of prospective buyers. He then identified on an aerial map of the property which areas they would be developing. The middle portion of the property was owned by the Pead family, who wanted to continue using it for farming. However, all underground utilities would be completed.

Mr. Sumner asked if the project would require a traffic study. Mr. Bench replied that the applicant provided a traffic study, and Mr. Goodrich from the City's Traffic Engineering Department was satisfied with the results.

Mrs. Lauret asked if the applicant had an agreement with the owners of the middle property to eventually connect the road. Mr. Washburn said there currently was not an agreement in place, but the Pead family could choose to connect the road at any time because the utilities would already be in place. Mr. Bench added that the property was part of the plat, and the street itself would be part of an easement. If anyone chose to develop the property at any time, the City would require connectivity of the street.

Mr. Macdonald asked if the piece of property being developed would only have one ingress and egress, to which Mr. Bench answered affirmatively.

Mayor Brunst opened the public hearing. There were no public comments, so Mayor Brunst closed the public hearing.

Mayor Brunst commented that the orchards were mostly gone now due to single-family home developments. He said he thought it would be a beautiful development for seniors, and was supportive of the project.

Mr. Lentz **moved**, by ordinance, to amend Section 22-5-3(A) and the Zoning Map of the City of Orem by zoning approximately 1.70 acres of property located generally at 1860 North 860 West from the R8-ASH zone to the PRD zone. Mr. Seastrand **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, Brent Sumner. The motion **passed unanimously**.

6:00 P.M. PUBLIC HEARING – Storm Water Utility Master Plan

RESOLUTION – Adopt the 2016 Storm Water Master Plan and accept the Storm Water User Rate Study

Mr. Price presented his recommendation that the Orem City Council, by resolution, adopt the 2016 Storm Water Master Plan prepared by Bowen Collins & Associates, Inc. (BC&A) and accept the Storm Water User Rate Study prepared by Lewis Young Robertson & Burningham, Inc. (LYRB). Mr. Tschirki was excused.

After increasing public concern about human impact on the environment in the 1950s and 1960s, the Environmental Protection Agency was formed on December 2, 1970. Since that time, the Safe Drinking Water Act (1974), Resource Conservation and Recovery Act (1976), Clean Water Act (1977), Comprehensive Environmental Response, Compensation, and Liability Act (1980), and other federal regulations had been imposed to protect the environment. Although the City of Orem had been environmentally conscientious since the enactment of the laws, it was not until 1996 when the City of Orem created a storm water utility and shortly thereafter adopted the 1998 Storm Drainage Master Plan. The master plan was divided into three main areas: (1) a Storm Water Quality Management Plan, (2) a Storm Drainage Facility Plan, and (3) a Storm Drainage Implementation Plan. The estimated construction costs in 1998 dollars were \$33.4 million. Multiple financing options were included for consideration in the adoption of the plan but none of these plans were followed. As a result, only a small percentage of these projects were completed since its adoption.

Since the completion of the 1998 Storm Drainage Master Plan, progress on the recommended storm water system improvements had been limited. In short, the replacement of sumps with a typical storm water system consisting of storm drain inlets, pipe networks, and detention basins had not been supported by the available funding. Funding levels had not even kept up with inflation. In February 2013, the City of Orem began a planning process with BC&A to review, evaluate, and update the 1998 Storm Drainage Master Plan. The consultant worked with City staff, the Public Works Advisory Commission, the City Council, and the general public during the process.

The primary purpose of the master plan was to provide recommended improvements to resolve existing and projected future deficiencies in the City's storm water system. That involved developing a capital facilities plan for areas of projected new growth, existing service areas, and to remove sumps from drinking water wellhead protection zones by piping water away from those areas. The master plan seeks to better balance the goals of managing storm water and reducing risk to the City's groundwater aquifer against the ultimate cost of storm water improvements.

Recommended improvements identified by BC&A included improvements to major conveyance facilities and regional detention facilities. In the plan, 144 new and modified major pipeline projects were identified totaling just under \$54 million (present value). Additionally, 25 new and modified detention basins were identified totaling \$6.6 million (present value) and fleet replacement needs were recognized. These projects were organized into Priorities 1, 2 or 3 based on model results and consultant and staff recommendations.

LYRB was subcontracted by BC&A to review the existing storm water rates and provide a recommended rate schedule based on changes in forecasted expenses and capital improvements and on a pay-as-you-go basis. The primary objectives of the rate analysis were to ensure sufficient revenues to cover all operation and maintenance expenses while maintaining bond covenants, ensuring the appropriate debt service coverage ratio, and providing sufficient revenue to fund the proposed projects identified in the master plan.

A review of projected revenues under the existing rate structure relative to proposed expenses illustrated that the City would not have sufficient revenues to fund the needed capital improvements without a rate increase. The results of the master plan were the basis for a rate study that was used to establish supporting storm water rates for the City. Originally, a 5-year rate increase was proposed by City staff in conjunction with BC&A and LYRB. After receiving public feedback and upon the recommendation of the City Council, a pay-as-you-go funding plan over five, seven and 10 year periods was developed.

The rate scenarios were structured to produce a final rate of \$8.60/ESU (a fee increase of \$3.35/ESU) within ten years. Scenarios 2 and 3 fund a reduced CIP in order to allow for a more moderate annual increase in the rates. Scenarios 2 and 3 result in an overall approximate revenue reduction of \$725,000 and \$1.6 million, respectively, over the same 10-year period. The result was a delay in completion of capital facility projects and an on-going liability from a water quality and property damage perspective.

Mr. Price explained that the presentation was to clarify and show the importance of the public services in the City, including those that were seen and unseen. He presented several photos which illustrated that all of the City's parks, sport programs, the Scera Pool, public services and private utilities all factored into the City's Storm Water Master Plan. The City also maintained a series of deep wells, reservoirs, and springs that provided drinking water directly to homes. Mr. Price stated that, as citizens, they did not know any other way of life that did not include having all of those conveniences readily available. The City had a wastewater system that was comprised of a series of underground pipes that carried sewer waste to a wastewater treatment plant.

Mr. Price spoke about the importance of maintaining those beneficial services. He referenced Author Charles Fishman, who hypothesized in his book *The Big Thirst* that the "invisibility" of water systems and prevalent philosophies on water being free (of cost) was its biggest vulnerabilities.

Mr. Price stated that Orem residents needed to recognize the value of the City's water systems. Currently in Flint, Michigan, they were having a major crisis because of a problem that had not been previously addressed. The purpose of the master plan was to direct the Council from a professional standpoint on ways in which they could continue to provide services as a City.

Mr. Price provided an overview of the City's storm water history. The first master plan was created in 1998, and it recommended projects and proposed rate increases that would fund the needs of the plan. He noted that Orem had about 87 miles of pipe in the ground, which was a fraction compared to drinking water and sewer pipes. The City's pipes ranged from anywhere between 6" to 54" in diameter. The City maintained almost 1,800 sumps and 36 detention basins. There were also many privately managed structures when development occurred. Mr. Price presented a map that outlined the City's inventory of detention basins and storm water pipes. He then showed a map of the City's sumps which were the main way that storm water was managed. One of the goals of the master plan that was created in 1998 was to pipe water away from areas that were important, thereby protecting drinking water sources. It had been almost twenty years since the City had updated the Storm Water Master Plan, and therefore they decided to contract with BC&A to identify projects and determine a rate study that would accomplish those goals.

It was noted that both the Storm Water Master Plan and the Storm Water User Rate Study were available to the public at www.utilities.orem.org. The scope of the project, after initial review, was to create a model that would make sure they could handle a 10-year storm and provide a solution for existing deficiencies, and to move water away from wellhead protection areas.

Mayor Brunst said that in the not too distant past Orem had had a 100-year storm plan. He asked whether the 10-year storm capability was normal, or whether it should be higher. Mr. Larson stated that a 100-year storm had a 1 percent chance of happening in any specific year. Theoretically 100-year storms could happen back to back, but statistically there was only a 1 percent chance of that ever occurring. If the system was designed for such a large storm, the result would be having extraordinarily large pipes with a capacity that would only be used infrequently. Mr. Larson explained that cost was a factor, and most cities in Utah had systems with a design storm standard for 10 years, while others have 25-year storm plans.

Mayor Brunst asked what would happen if a 100-year storm hit Orem, and at what point they would have previously determined not to plan for it due to the cost-to-benefit-ratio. He explained that if such a situation did occur, residents would complain that the City had not planned ahead for the possible water damage to property that could take place. Mr. Larson explained that a 10-year storm plan would focus on pipelines capturing and conveying the water underground, with additional conveyance designed above street level. Their primary goal was always to avoid flooding.

Mr. Price explained that they asked the consultant to develop utility rate options for the City to consider, and requested that part of the process include reaching out to the public. He mentioned that BC&A worked closely with the Public Works Advisory Commission (PWAC). As far as wellhead protection areas were concerned, the City had nine deep wells which pumped water out of the aquifer into the City's drinking water pipes. Those pipes then went into residential homes for use at any time. With the aquifer deep in the ground, if Orem continued to put untreated storm water in the deep wells, eventually the aquifer would become contaminated. Mapleton, for example, had a munitions plant that contaminated a well about twenty years ago.

Mayor Brunst asked about the depth of the wells versus the depth of the aquifers, and the length of time it took for water to reach the aquifer from the well. Mr. Price explained that the wells were between 300 to 600 feet deep, and the length of time it took depended on the soil types.

Orem had very gravelly soil; therefore it was difficult to calculate percolation. Mayor Brunst commented that there were deeper aquifers that went as far as 1,500 feet deep, and asked if the aquifer in question was upper level. Mr. Price answered affirmatively, and noted that while a deeper aquifer could be drilled, it would be very costly to lift water that distance.

Mr. Seastrand commented that the previous strategy in the 1998 master plan was to let the water filter through the soil to the aquifer naturally. He asked if the new strategy was to pipe the water away to a safe zone, to which Mr. Price said it was. Mr. Seastrand asked if there were other alternatives to prevent the contamination.

Mr. Price explained that contamination prevention was another component of the Storm Water Management Plan, and included public education. He gave examples of some forms of contamination that could be prevented, such as paint and oil being disposed of in storm drains, or washing leaves into roads. Other sources of pollution included leaking fluids, heavy metals from brake pads and rotors from cars. The rain picked those contaminants up and took them into the storm drain. He explained that the proposal removed the chances of contamination by piping the water to safe zones.

Mr. Seastrand asked if the City had seen areas of contamination that should cause alarm. Mr. Price replied that Orem currently did not have any contaminated wells. While sumps had not been tested, from a logical perspective it could be assumed that over time contaminants would build up and they would have no way to be biologically removed. Mr. Seastrand stated that his line of questioning was to explore if there was a better alternative to contamination prevention than simply piping water away. Under the proposal, all current efforts for contamination prevention would be continued.

Mr. Larson explained that greater treatment processes could be put into place before water percolated into the ground. That could be done by gathering the water from sumps into one central location. With the amount of sumps currently in use, it became cost prohibitive to upgrade every single sump. Mr. Larson emphasized that water treatment and removal from possible contamination areas was an important component of the master plan.

Mr. Price stated that the sump elimination plan was in the original 1998 master plan with a different consultant group, citizen advisory commission, and City administrators. At the time, those groups also recommended a funding structure for making the improvements. The State Underground Injection Control program indicated that if there was any contamination of drinking water then the City was required to abandon those sumps immediately, which was a costly effort. Therefore, staff felt that it was prudent to move forward as had been master planned in 1998. They asked the consultant to model the City to find deficiencies, and Mr. Price identified deficiencies on a map. Mr. Price said that there was more concern on the south end of Orem.

Staff had asked the consultants to recommend what projects needed to be done to ensure good water quality. BC&A listed 144 pipeline projects, and had identified other detention basin projects and other improvements to make sure that the City addressed the needs identified in the plan. They worked with staff and the PWAC to create a ten-year Capital Improvement Projects (CIP) Plan, which were then ranked in order of importance. As funding became available, the City could begin to chip away at those projects. Based on the recommended projects and

anticipated funding availability identified from the rate study, staff and BC&A had developed a five year funding proposal.

Mayor Brunst asked if the projects were broken down based on category. Mr. Price responded affirmatively, noting pipes and detention basins were two categories. The project identifiers on the CIP Plan were reviewed. Mr. Price explained that the 144 pipeline projects would cost approximately \$54.6 million alone, and detention basins would cost around \$6.5 million, for a total of \$61 million in present day value. The present value of the 10-year plan was almost \$20 million, so there were still \$40 million of projects to be done. The funding plans that had been prepared would allow the City to chip away at those projects over time. Based upon discussions with the PWAC, City Council and general public feedback, there was great support for a pay-as-you-go plan. As such, staff asked BC&A to develop a funding structure that would allow the City to undertake these projects without entering into any debt. The recommended rates reflect the consideration.

Mayor Brunst asked Mr. Larson how many cities implemented a pay-as-you-go plan as opposed to bonding. Mr. Larson replied that every city was unique but bonding for large projects was a good way to provide some equity for those who would benefit from the projects in the future. For smaller projects, the pay-as-you-go system was more cost effective. The majority of cities had some bonding component for limited uses.

Mr. Price explained that in speaking with the public he had found that many citizens did not know what they paid for the storm water utility or how that payment was calculated.

Mr. Lentz stated that it was difficult to predict the future and estimate exactly how much projects would cost. He asked if the City would end up paying more on a pay-as-you-go model, where they had to build capital and save up for those projects, as opposed to bonding for a project in the first place and stretching the cost out for an extended time frame. Mr. Price said that, for the purposes of the plan, they were primarily focusing on a pay-as-you-go finance model; however, they did not want to ignore the benefits of bonding for larger projects. Mr. Lentz suggested setting a threshold for projects exceeding a certain dollar amount which could be considered for bonding.

Mayor Brunst said that there could be a downturn where construction costs went either up or down. Mr. Larson agreed, saying that once a city bonded they were locked into those expenditures.

Mr. Macdonald asked which factors they assumed on interest rates when raising construction costs. Mr. Larson explained that when that study was completed the bonding rate was just under four percent. Furthermore, they were basing their findings on the construction dollars of the time versus returning to historic inflation levels, which ranged from about three to five percent. Mr. Larson noted that their analysis was based on three percent. The detailed study was conducted in 2010, and more preliminary work took place in 2013.

Mr. Price said the utility was funded by all Orem residents and businesses based on an Equivalent Service Unit, or ESU. The current ESU rate in Orem was \$5.25 per ESU (or one home) per month. Businesses were charged based upon their impervious area, or areas where water could not flow such as a driveway or roof. If a business had 27,000 square feet of

impervious area including a roof, parking lot and walkways, then they would be charged for 10 ESUs (\$52.50 per month). There was also a provision that allowed for businesses to request a credit if they implement certain best business practices. Mr. Price noted that Costco, for example, had 264 ESUs and approximately 700,000 square feet of impervious area. The bill totaled \$1,386 per month. Costco participated in the credit program, and they get credit for 23 ESUs which decreases their bill by \$120.75. The average residence in Orem had a square footage of 2,700 square feet of impervious area, and they were charged for one ESU (\$5.25 per month).

Mr. Price explained that when the 1998 plan was adopted, the recommendation was to increase the rates from \$3.00 to \$6.00 per month. He presented a chart which showed that the current rates were far below what the 1998 plan had called for. He said it indicated that projects were funded at a much lower level. The City of Orem had not kept up with inflation for its storm water utility with a result that the City was investing less money in capital projects than it had in 1999.

Mr. Lentz asked if the current rates would be around \$11.00 per month, had the City followed the proposed rates in the 1998 master plan. Mr. Price said they would. Mr. Lentz asked why the plan in 1998 was so much higher than what was currently being proposed. Mr. Price said that as they had reviewed the plan in more detail later, they had found some errors but also they had found other ways to solve similar problems. Staff was confident that the current plan was a more accurate reflection of what was needed to maintain the system.

Mr. Lentz asked if a different strategy was implemented during the development of the 1998 master plan. Mr. Price explained that overall the strategy was the same; however, in the 1998 plan the primary goal was to eliminate sumps, which they had optimized by eliminating only the sumps in the wellhead protection areas.

Mr. Price explained that the master planning process had included a rate study. They had been asked to present different options for five-, seven-, and ten- year plans. They would need to consider inflation. The seven-year plan showed that approximately \$725,000 worth of projects would be postponed, whereas the ten-year plan showed \$1.6 million worth of projects would have to be postponed. Mr. Price then presented a chart comparing the rates other cities in the surrounding area or of similar size.

Mayor Brunst stated that Provo was also looking at increasing their rates. Mr. Price added that Provo, Orem and Lindon were currently going through a similar process. Once Orem and Provo made changes, often other cities were stimulated to make similar increases as well.

Mr. Macdonald commented that he had spent a significant amount of time on the item because he was specifically assigned as the Council liaison to the PWAC. He stated that there should have been a red flag for years with regards to fiscal spending, which indicated that infrastructure was less than what it should have been for the citizens. He was a proponent of the study because he did not want to see roads erode due to faulty piping in the ground. He said local governments had to have the wherewithal to fix the problem. He expressed gratitude for the work that had gone into the development of the Storm Water Master Plan.

Mrs. Lauret asked if the PWAC had provided a rate recommendation. Mr. Price stated that they agreed that the more aggressive/faster way to reach the baseline, the better a situation the City would be in. Hence, they preferred the five-year plan over the other two plans.

Mayor Brunst opened the public hearing.

Bob Wright, resident, reviewed his experience with the City's previous attempts to collect revenues from citizen for "free rainfall." Mr. Wright opined that the current rate was sufficient for any pay-as-you-go improvements to the City's sump system without burdening Orem citizens with additional monthly increases.

Jim Fawcett, resident, commented that he had reviewed the plan with a critical eye. He recounted his employment history with an aircraft supplier company that utilized many acres of property and had installed wells with water filtration systems to clean the water. Several neighbors had complained about water loss because their wells had filled up with filthy water. Mr. Fawcett said he would hate to see a similar situation take place in Orem. While it would be nice to replenish the aquifer, it would be problematic if it ever became polluted. Mr. Fawcett expressed support for the master plan, saying he believed a pay-as-you-go method would be better than bonding. Lastly, he stated that he would like to see all impact fees on future developments be paid for by the developers rather than the citizens.

Mayor Brunst closed public hearing.

Mr. Sumner thanked Mr. Price for the presentation, and commented that the material had been presented in a way that was easy to understand. He said he currently thought the five-year plan was the right course of action, but he would continue to consider all options.

Mr. Lentz addressed Mr. Wright's comments by stating that the system was not effectively working in his neighborhood. Every year there was at least one storm that created a 100-foot long pool in the middle of the street. Last year, the pool had been so deep that children were playing in it, and a car had driven through the pool of water without seeing one of the children. Luckily, the child was unharmed, but it brought attention to the fact that there were system problems that needed to be fixed. As a young resident of Orem, he wished that the City Council had stuck to the original plan 20 years ago. Whichever plan was adopted, it was important that as a City they were committed to that plan.

Mayor Brunst **moved**, by resolution, to adopt the 2016 Storm Water Master Plan and accept the Storm Water User Rate Study. Mr. Seastrand **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, Brent Sumner. The motion **passed unanimously**.

RESOLUTION – Verizon Wireless Conditional Use Permit at 1243 South 400 West in the PD-5 zone

Mr. Bench presented Daniel Thurgood's request that the City Council approve an amended conditional use permit on behalf of Verizon Wireless to expand a wireless facility at 1243 South 400 West (360 West University Parkway) in the PD-5 zone.

In May 2007, T-Mobile was granted a conditional use permit to locate a wireless structure at the above-referenced address. The location was immediately west of the Hobby Lobby building. A site plan for the cell tower and associated equipment buildings was also approved as part of the

conditional use permit. The wireless structure had since been completed and now carried the antennae of two providers.

Verizon Wireless would now like to locate on the monopole as the third provider. The applicant was requesting an amendment to its conditional use permit to increase the size of the wall enclosure to create additional space for the placement of Verizon equipment. Additional antennae were also proposed to be added to the tower as well as two microwave dishes.

At the time of the original conditional use permit approval, the City Council attached a condition that the arms extending out from the monopole (and to which the antennae were attached) be no more than two feet in length. The applicant requested that the condition be removed. The applicant indicated that to get the proper coverage, the arms need to extend out more than two feet from the monopole. The applicant estimated that the arms needed to extend out approximately seven feet from the center of the monopole. If the arms were shorter, the coverage would be compromised. The need for the longer arms was impacted by the fact that Verizon would be on the lowest location on the monopole.

The proposed expansion on the ground amounted to approximately 300 square feet. The expansion area would be surrounded with a wall having the same block construction as the existing wall. One parking stall would be lost with the expansion. The site had excess parking above the required amount so the loss of one stall was not a problem.

The Planning Commission recommended the City Council amend the conditional use permit request of Verizon Wireless at 1243 South 400 West in the PD-5 zone. Staff supported the recommendation of the Planning Commission.

Mr. Macdonald asked if the tower would be used by multiple carriers or entirely used by Verizon Wireless. Mr. Thurgood said there were two other carriers on the tower, and they were requesting to be the third position. Mr. Macdonald stated that for the benefit of the community, it made more sense to have one pole and multiple carriers. Mr. Thurgood said that Orem City required carriers to try to co-locate their equipment on existing poles. In order to do that, they needed to have a larger mount to accommodate their antennas.

Mr. Seastrand asked about the extension of height. Mr. Thurgood explained that they were only allowed to expand the compound by one parking stall. In order to run the necessary cables, they needed enough clearance under the platform. It was noted that the total height would be close to twelve feet. Mr. Seastrand commented that there would be a lot of equipment on the tower, and asked if there were other alternatives for putting up less equipment and keeping the tower lower. Mr. Thurgood responded that there were not any other poles in the area that would meet their needs.

In response to a question from Mr. Seastrand, Mr. Bench explained that there were not any other poles in the area that were not already occupied by three carriers.

Mr. Thurgood stated that in order to meet the capacity needs of the area near Walmart and UVU, the proposed equipment was necessary. Mayor Brunst asked how big an area would be serviced by the equipment and location. Mr. Thurgood said in this location they were trying to get about a mile out. With a larger mount and antenna size, they were better able to direct a signal. Mayor

Brunst asked what the service needs would be eight years from now. Mr. Thurgood replied that they were trying to increase capacity needs because of how much data each user was using. As the data usage increased, more towers and sites were needed.

Mr. Lentz asked Mr. Stephens if being a Verizon customer would constitute a conflict of interest for him, to which Mr. Stephens said it should not be an issue.

Mayor Brunst **moved**, by resolution, to approve an amended conditional use permit and site plan for Verizon Wireless at 1243 South 400 West in the PD-5 zone with the restriction to maintain a height restriction of seven feet. Mr. Lentz **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, Brent Sumner. The motion **passed unanimously**.

COMMUNICATION ITEMS

The Monthly Financial Summary for December 2015 was provided to the Council.

CITY MANAGER INFORMATION ITEMS

There were no City Manager information items.

ADJOURNMENT

Mr. Sumner **moved** to adjourn to the meeting. Mr. Spencer **seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, Brent Sumner. The motion **passed unanimously**.

The meeting adjourned at 8:27 p.m.

Donna R. Weaver, City Recorder

Approved: February 9, 2016